

# KENTUCKY GAZETTE

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## PROCEEDINGS

### IN THE SENATE OF THIS STATE,

On Thursday the 13th of November, 1796,

BEING

The substance of the debate respecting the contested election of the present Governor of this Commonwealth.

THE Senate assembled. The members present were, Messrs. Bullitt, (the speaker), McClung, Knox, Davis, Standiford, Helm, Clay, Campbell, Taylor, Mosby, Machir, and Henry.

A letter was produced by the speaker and read by the clerk, from Mr. Alexander Barnett, stating that Mr. Helm having been a surveyor for the county of Hardin, and still continuing to act in that capacity, was not entitled to a seat in that house.

Ordered, that it be laid on the table. The committee of privileges and elections, reported that they had examined the copy of the proceedings of the electors, lodged in the secretary's office, and had resolved that the following gentlemen were duly elected senators of this state, viz.

For the county of Jefferson, Alexander Scott Bullitt—Payette, John Campbell—Nelson, William M<sup>c</sup> Long—Mercer, Robert Mosby—Madison, Green Clay—Bourbon, John Edwards—Mason, John Machir—Woodford, Robert Alexander—Washington, Matthew Walton—Scott, William Henry—Shelby, David Standiford—Logan, James Davis—Clarke, Hubbard Taylor—Hardin, Benjamin Helm—Lincoln, James Knox.

Upon the question being put that the house do adopt this resolution; Mr. McClung remarked that it would be improper to declare Mr. Helm duly elected, whilst there remained a doubt concerning his right to a seat—that a paper had come forward, stating that he held an office inconsistent with that of a senator—that this paper was laid upon the table, subject to consideration on some future day, and that it would therefore be absurd to preclude a future judgment, by a premature decision that he was duly elected. He therefore moved, that so much of the report of the committee as respected Mr. Helm, be re-committed.

Mr. Clay opposed the motion. He contended that in adopting the report of the committee would involve no such absurdity. The report of the committee went merely to say what appeared from the return of the electors. This was the only paper referred to them; the committee had no right to take up any thing else. Their report had reference to no other documents, and consequently a vote of the house adopting their report would not. Should any petition be brought forward agreeable to law; it would be the duty of the house to receive it, and they would be at full liberty to form their judgment upon such facts as should be established.

The resolution for a re-commitment being put, was negatived.

Mr. Clay then moved that the letter of Mr. Barnett be referred to the committee of privileges and elections, which was agreed to.

The house then resolved itself into a committee of the whole on the state of the commonwealth—Mr. Henry in the chair.

Mr. Clay moved that the committee should take into consideration a message from the house of representatives for receiving the communications of the governor, and which had been referred by the senate to a committee of the whole on Tuesday last.

Col. Bullitt rose. He observed that a letter from Gen. Logan, stating that he considered himself as constitutionally elected to the office of governor, and expressing his intention to bring the subject before the senate, had come forward at the same time with the resolution from the house of representatives, and had been at the same time referred to a committee of the whole. It was as follows:

To the hon. the Speaker and Members of the Senate.

GENTLEMEN, At the last meeting of the electors held in Frankfort for the purpose of electing a governor and senate, I

conceive myself to have been constitutionally chosen governor of this state, notwithstanding which the office is at this time exercised by another person.

"As therefore disputed elections to the office of governor are to be determined by you, I have thought it proper to give you the earliest information of my intention of bringing the matter before you, in order that the constitutional question may be investigated and the dispute determined as soon as a sufficient number of senators shall be convened for the purpose.

"I am, gentlemen,

"With the highest respect,

"Your most obedient

"Humble servant,

"BENJAMIN LOGAN."

The letter being read, Col. B. observed, that the letter of Gen. Logan asserted his right to the office of governor, and that it alleged a fact which fully established that right. It alleged that the gen had the greatest number of votes upon the first ballot;—and the report of the proceedings of the electors which now lay on their table, substantiated the allegation. It alleged that the second ballot was unconstitutional, and he appealed to the constitution to prove that it authorized no such second ballot. Here the honorable member read the 12th section of the first article, which stated that "if on the ballot two or more persons shall have an equal number of ballots in their favor, by which the choice shall not be determined by the first ballot, then the electors shall again ballot before they separate, in which they shall be confined to the persons who on the first ballot shall have an equal number, and they who shall have the greatest number in their favor on a second ballot, shall be accordingly declared and returned duly elected." It was evident, he observed, from this clause of the constitution, that the only case in which the electors were authorized to proceed to a second ballot, was that of two or more candidates having an equal number of votes. Was that the case at present? Was it not notorious that Gen. Logan had the greatest number? But it was objected that though the constitution did not direct a second ballot where no candidate had a majority of the whole; it did not forbid it, and that the electors had a right to regulate their own modes of proceeding where the constitution was silent. To clear up this matter, he thought the most satisfactory way would be to consider what had actually been the conduct of public bodies in this country on similar occasions. He recollected but one case in point, and that case was decidedly in favor of his argument. It was at the first meeting of electors after the establishment of the constitution, when himself, Mr. Short and Mr. Kennedy, were ballotted for at the same time;—he had the greatest number of votes, though not a majority of those present;—but it was unanimously agreed that he was duly elected to the office of senator.

But with the view of farther elucidating

\* The following petition was filed with the Clerk's papers, but never came before the senate.

To the hon. the Speaker and Members of the Senate.

Your petitioner, Benjamin Logan, represents that the electors having met in Frankfort agreeable to law, proceeded to ballot for a governor, when 21 votes were found to be in his favor, being a greater number of votes than were given for either of the other candidates; where, by your petitioner conceives he was duly elected; and ought to have been accordingly declared and returned as governor by the said electors.

Your petitioner further states that the said electors afterwards proceeded to a second ballot, which they had no right to do by the constitution of this commonwealth; upon which second ballot, James Garrard, by one of the committee appointed to examine the ballot boxes, was reported duly elected, and who now does in consequence of that second unconstitutional ballot and report of one of the committee, exercise the office of governor of this commonwealth.

Your petitioner therefore prays that the said James Garrard may be permitted no longer to exercise the office of governor of the commonwealth of Kentucky, and that your petitioner may be admitted into the office of governor, as if the electors had returned him as such, and as they ought to have done agreeably to the first and only legal ballot taken by them. And your petitioner as in duty bound will ever pray &c. BENJAMIN LOGAN."

dating the question, it might be right to consider the analogy between our own and the federal constitution. From that, he observed, our's was in a considerable measure copied. It was intended to infuse into our constitution the sense and the spirit of the federal constitution. Let us examine, then, in what cases this admits of a second ballot. He then quoted that clause of the federal constitution which regulates the manner of electing a president.

It had been said, that the conduct of our electors had been in conformity to the practice of Virginia, our parent state. To this he replied, that he had good authority for saying that this practice had been found to inconvenient in Virginia, that they had given it up, and were now in the habit of returning the candidate who has the greatest number of votes on the first ballot. In confirmation of this he could produce the testimony of a respectable character then in the house;—and turning to Judge McDowell, was proceeding to enquire into the state of the fact, when he was interrupted by Mr. Clay.

Mr. Clay observed that he considered the whole proceeding of the member opposite to him as irregular—that he had forced the attention of the committee upon a paper which had no name—that it was no petition—that if the gentleman would give it a name, he should know on what ground to meet him—that Here Mr. Clay was called to order by the chairman, and Judge McDowell came forward, at Col. Bullitt's request, and confirmed the representation he had given as to the practice of Virginia, during the time in which he was in the assembly. Col. B. was proceeding, when Mr. Clay called him to order, and demanded the rules of the house, with the view of shewing that it was irregular for a member to call upon any gentleman to come forward without having first obtained permission from the committee. The question being then put and carried, that the member who had been interrupted should have leave to explain as to the point of order.

Col. Bullitt vindicated his conduct, and recapitulated the argument which he had entered into in the course of his speech. On the grounds which he had stated, he was fully convinced that the electors had violated the constitution. He felt the importance of the subject; and his mind was so impressed with a sense of the obligation they were under to maintain the constitution—that he would not avoid bringing forward a resolution expressing the opinion of the committee of the conduct of the electors.

Mr. Clay again stated his sentiments with regard to the irregularity of the gentleman's conduct. As to the evidence of Mr. McDowell, he had no doubt of its truth, as far as that gentleman's experience went;—but whatever might be the practice of the assembly when he was a member of it; he could produce various witnesses to prove that their practice since had been the reverse.

Mr. Mosby considered the whole proceeding in the present debate as wrong.

There was a preliminary question, which ought to be determined, before they pretended to censure the electors. Had the committee a right to do so? They were going headlong into the business without any authority for their conduct—the subject was immaterial—they could not be too deliberate—it was an affair which had greatly agitated the public mind—they should touch it with caution and with coolness. He concluded with moving the committee to adopt the following resolution:

"Resolved, that this committee has no constitutional authority to take under their consideration the disputed election of the governor."

Mr. Clay seconded the motion, and apologized for the warmth which he had discovered in the course of the debate.

Col. Bullitt complained that whilst he had paused to prepare his resolution, a member opposite to him had taken the opportunity of bringing forward another of a very different nature. He insisted upon his right of

making the motion he intended, and hoped the committee would decide upon it before the other was discussed.

Mr. Taylor expressed his wishes that the resolution from the house of representatives for receiving the communications of the governor, could be first disposed of, consistently with the rules of the house. It was customary to introduce the business of the session with a similar resolution; and it was probable that the committee would afterwards feel themselves disposed to take up the other point referred to them, with greater coolness and deliberation.

Mr. Clay, in reply to what had fallen from the worthy member, who spoke last but one, observed that he had no objection to the question on his resolution being taken first, provided it could be done consistently with order. But this could be effected in no other manner, but by its being brought forward as an amendment of the resolution, which had been previously moved and seconded.

Col. Campbell was extremely sorry to see the heat which appeared in the committee upon the subject which had been introduced;—and, in order to give the members time to cool, he hoped that the committee would rise and report progress.

Col. Bullitt having prepared the resolution which he had already declared his intention of introducing, now offered it to the consideration of the committee. It was as follows:

"Resolved, as the opinion of this committee, that the electors proceeded unconstitutionally in the election of a governor, in taking a second ballot, when there were no two persons who had an equal number of votes on the first ballot."

Col. Campbell objected that the resolution was premature. It brought the subject before them all at once. The first question should be, had the committee a right to pass a judgment upon the proceedings of the electors? The board of electors (said the honorable gentleman) are our superiors; they are our creators;—and shall we, the creatures, pretend to censure our creators? He hoped that the committee would not be guilty of so glaring an absurdity. He trusted that they would rise.

Col. Bullitt vindicated his resolution. He thought it the most unexceptionable mode of introducing the business. He was averse from distracting the attention of the committee by a multiplicity of enquiries. He wished to render the question as simple as possible. He did not desire the committee to say whether Mr. Garrard or Mr. Logan or Mr. Todd were duly elected governor;—but simply, whether the electors acted constitutionally in taking a second ballot.

Mr. Mosby thought such a question highly improper. It was entering fully into the business before they had determined whether they had a constitutional right to do so. Shall twelve men come forward, and, unauthorized by the constitution, pretend to undo what sixty men, bound to their duty by the most solemn ties, have done? We are required (said he) to vote that these men have acted wrong. Whence have we the right to do this? who gave it to us? This is a proper, a clear, and an easy question.

Mr. McClung differed from the gentleman who spoke last. He considered the resolution he proposed as an improper one. It was inaccurately expressed. The question, in reality, was not a constitutional but a legal one. It was admitted that there was no clause in the constitution which expressly gave them the power which they were now called upon to exercise;—but there was a law which did, and a law which naturally resulted from the constitution. The necessity of the case demanded such a law. The case of a contested election to the office of chief magistrate, was one which might be expected to arise;—and it was consequently a case which ought to be provided for. It lay with their legislature to do this; and having done it, the committee were bound to act agreeably to it. The constitution itself implied as much. It had made



no immediate provision for the safe... but the 18th section of the first article had said, "Each house shall judge of the qualifications of its members; contested elections shall be determined by a committee to be selected, formed and regulated in such manner as shall be directed by law." The expression *contested elections* (he observed) was a general one. It included the contested election of a governor as well as that of a senator or representative. The law had accordingly directed how such contest should be determined. They were to be determined by the senate in a committee of the whole on the state of the commonwealth. The law being passed, the senate were bound by it. That such a tribunal should exist as the law had constituted the senate, was absolutely necessary to the purposes of good government. Had the law been judicious in its selection of a tribunal? It had. It was just, it was right, it was necessary that the senate should have the power.—The senate was that body which stood in the nearest relation to the governor. The senators were the flatterers in his power;—they were his confidential advisers;—the appointments which he made, were made by and with the advice and consent of the senate.

All men (he observed) are liable to mistakes and to errors. The board of electors are not exempted from the common imperfection of man. They might appoint to the post of chief magistrate, a person who might be disqualified by age, by office or by residence. Did the constitution forbid that provision should be made for such cases? Did it stamp its sanction upon error, by declaring that, when once committed, it should be perpetual? Where was that clause of the constitution which involved such an absurdity? Where did the constitution say that the senate should not determine contested elections of governor, or that the legislature should devise no mode of settling such contests?

It had been alleged, indeed, that the constitution in its very outset was repugnant to it: that in declaring that no person or collection of persons being of the legislative, the executive or judiciary department, should exercise any power properly belonging to either of the others, it had precluded the interference of the legislature in the present instance.

But to which of those departments does it belong to decide on a contested election of a governor? Does it (said the gentleman) belong to the judiciary? No: for in what form could such a contest be introduced in a court of judicature? Could it be introduced by an action of *detinue*? Could it be introduced by an action of *trespass*? Upon what principle, or by what rule were the jury to assess the damages? The very statement of the question evinced that the case of a contested election did not belong to the judiciary. No: it was the province of that department to determine disputes respecting our property, and to award a compensation for injuries received.—but the subject of contested elections must necessarily rest with the wisdom of the legislature. It was their duty to establish a method of investigating and of deciding them. They had constituted the senate a tribunal for the purpose. It was right, it was just, it was necessary that the power should be lodged some where:—it could no where be so properly lodged as with the senate—and it became the senate,—it was a branch of their duty as citizens and legislators, not to decline the exercise of those functions which their country had imposed upon them.

He concluded with moving as an amendment to the resolution before the committee, to strike out the whole of it from the word "repealed," and to add the following:  
[This amendment we have not received.]

Mr. Mosby differed entirely from the gentleman who spoke last, as to the right of the senate to take up the business. It was utterly repugnant to the clause of the constitution which he had quoted. That clause forbade an encroachment of the legislature upon the executive authority. And was the measure now proposed no encroachment? Did it not encroach upon the executive department? Did it not, in fact, by declaring who should and who should not be the executive officer, seem like an assumption of the whole executive power? Was this consistent with the constitution? Were not the encroachments of the constitution pointed out and opposed to it? Did it not say that no such interference should take place, except in the instances herein after

expressly permitted? Where was the permission given? He challenged any gentleman in the committee to produce the clause.

The measure proposed was in itself absurd. It was absurd to fear the election of a governor who had acted in the office for five months. Had the people meant that such an election should be disputed; they would have provided a mode of doing it, more orderly and more effectual. They would not have suffered a man to usurp the office nearly six months, and to perform a multitude of official acts which might afterwards be invalidated by a vote in the senate that he was not legally elected. He conjured gentlemen to reflect upon the consequences of the scheme in contemplation. The state would be in confusion.—Would it not be more prudent as well as more constitutional, not to arrogate a power which did not belong to them? He hoped that the committee would be cautious, and vote on the safe side. Let us (said he) maintain our dignity as legislators. We are not to adopt the quibbles of an attorney. We are to act upon the solid principles of unperplexed justice. He trusted that the committee could not hesitate a moment which course of conduct to pursue.

Mr. Clay was doubtful to which motion he should speak. One had been made to declare the proceedings of the electors unconstitutional; another, had offered an amendment of the resolution which he had seconded. The latter, in point of order, seemed to claim the attention of the committee. It went to maintain the legal right of the senate to examine and correct the proceedings of the electoral board. But the senate could derive no legal right from a law which the legislature had no constitutional right to enact. Was the law in question consistent with the constitution? Was it consistent with that general provision that the legislative authority should never trench upon the executive or the judicial but in the cases expressly permitted? It was not. It was, therefore, null and void, and could merit no attention. He was authorized in pronouncing it so, by the concluding clause of the twelfth article, which declared, that "all laws contrary thereto, or contrary to this constitution, shall be void." It must therefore stand as a dead letter. The constitution had evidently confined the powers of each house of assembly, with regard to contested elections to such cases as concerned its own members. "Each house shall judge of the qualifications of its members;—contested elections shall be determined by a committee, to be selected, formed and regulated in such manner as shall be directed by law." The connection in which the words stood, showed what kind of contested elections the committee could determine upon. They could determine upon those only which related to their own body. Would the constitution, then, have been so particular in empowering them to act thus far, and have been silent as to the more important case of a governor, if it had intended that the senate should have any concern with it? Would the people have thought it necessary to give them an express authority to judge of the qualifications of one single member of the senate, and to determine a contest for a single seat, and have thought it unnecessary to express their intentions of permitting them to canvass, to rectify or to reverse the proceedings of the board of electors in appointing the supreme executive? No: in not having granted, they had withheld the power. The reason was obvious. The cases were clearly distinct. The governor was to enter upon his functions in June. The senate were to assemble in November. A senator improperly returned, might be displaced upon his first entrance on the duties of the office; the mistake might be rectified before it produced any considerable effect, and the people be at once legally represented. But they could have no opportunity of displacing a governor till he had acted as such for nearly six months. In the former case, the constitution had given the power to the senate, because it could be effectually exercised; in the latter case it had withheld the power, for it would have produced only a partial effect.

The very principle upon which the senate assumed the power of rectifying the proceedings of the electors in the choice of a governor, was the offspring of arrogance and vanity. It was arrogance to say, that the senate would be so circumspect, so wise, so virtuous,

as to see clearly, to judge justly, and to act righteously, when the electors had conducted themselves with precipitation, with folly and with injustice.

Was there any solid foundation for ascribing this perfection to the senate? For his own part, he could indulge no such exalted ideas of that body. For his own part, he was convinced that the electors had acted with consistency, and with propriety. What objection did gentlemen make to their proceedings? The single circumstance of their having taken a second ballot, without any express authority from the constitution. Were the board of electors, then, to make no regulations for their own government, when acting as a public body, without express authority from the constitution? If they were, they had as much right to make this as to make any other regulation: if they were not—if gentlemen went so far as to say, that they must have an express warrant for every official proceeding; he could reply, that the constitution itself afforded a sufficient warrant. The constitution said, that "each house shall choose its speaker and other officers;" and upon this clause the house of electors, were warranted in choosing a speaker, or president, a clerk, a door keeper &c. The constitution said, that "each house may determine the rules of its proceedings;" and upon this clause, the house of electors were warranted in determining as one rule of their proceedings, that no candidate should be returned as duly elected, unless supported by a majority of the votes of those present. That the house of electors, as well as the house of senators, or the house of representatives, should possess this power, was absolutely necessary. Rules were requisite for the regulation of every public body; and it was most expedient that every public body should establish its own rules. The electors had done this—they had established rules;—they had acted in conformity to them. Had they done otherwise, they could have come to no decision. They might have set to all eternity and have done nothing. This would have been the inevitable consequence of that narrow, that confined, that illiberal mode of construction, which some would put upon the constitution. "The electors had acted more liberally and more wisely. They had conceived themselves authorized to determine the rules of their own proceedings. They had done so:—they had determined, that if upon the first ballot there should not be a majority of electors in favor of any one person; they would ballot again:—and the second ballot was the consequence of that previous determination.

Col. Bullitt admitted that the electors might make rules for their own direction, provided those rules did not clash with the constitution. The rule in question evidently did. The constitution said, "If on the ballot two or more persons shall have an equal number of ballots in their favor, then the electors shall ballot again before they separate." The rule in question said, "If on the ballot no person shall have a majority, then the electors shall ballot again." Here the constitution and the rule were in opposition:—and it was time that the constitution should triumph. The proceedings of the electors, had long been the source of altercation, and of heart-burning through the country. It was high time to still the ferment of the public mind, and to terminate the contest by a declaration on the part of a body legally authorized, that the electors had acted unconstitutionally. This would at once effect that calm, so ardently desired by the patrons of peace and unanimity.

Mr. Mosby wished to effect the same purpose; but he had very different ideas as to the mode of doing it. Surely it was not to be effected by a decision, the very apprehension of which, had produced the ferment. No:—That ferment must be allayed not by a vote of censure on the electors, but by the short, the plain, and the easy enquiry, whether they were authorized to pass such a vote. This was the question which was first proposed, and he insisted upon his right to have it first determined.

Mr. Clay, with a view of ascertaining whether the committee were prepared to vote upon the resolution, called for the previous question, "Whether the main question shall now be put?"

Mr. McClung again insisted, that the law on which they proposed to act, was the law of the land;—that it was repugnant to no article of the constitution:—that it had been always con-

sidered as a regular and constitutional law, and had been suffered to stand upwards of three years unrepelled, and unobjected to. In what lights, then, would their conduct be viewed, if now, when they found the law inconvenient, they should suspend its operation and require a repeal? The senate had no power to repeal it. The whole legislature had enacted, and the whole legislature must concur in a repeal. A single branch was utterly incompetent to this purpose. As they were unauthorized to repeal the law, they were equally unauthorized to disregard it. Nothing but an evident repugnance, to the constitution would justify such a disregard. Let gentlemen point out that repugnance,—let them show, without the aid of remote inferences and forced constructions, the hostility of the law to the constitution, and he would be satisfied. But this was impossible. The necessity of the case required such a law. Contents respecting the election of a governor would naturally arise. And shall two gentlemen (said he) dispute through the whole course of four years, about their right to the office of chief magistrate? Shall we be four years in a state of confusion? No:—it is the duty of the legislature to anticipate and to ward off evils of such magnitude. They have anticipated them: they have made provision against them: and shall a committee of the senate, a committee of one branch of the legislature, pretend to set the law aside?

With respect to that latitude of construction which some gentlemen would use in construing the twelfth section of the first article, in order to make way for the idea, that the second ballot was not inconsistent with it, he could see no propriety in it. In his apprehension the constitution was plain, and he knew not how it could be possible, by any torturing of language, to make it speak a different sense. He intimated therefore upon the amendment he had proposed, asserting that the committee had authority to decide on the contested election of a governor.

Mr. Mosby had no doubt as to the right of the committee to disregard the law in question, having on his mind a full persuasion that it was unconstitutional. It had been asked, why it was unconstitutional? It was unconstitutional because it defeated the very object of the constitution:—it defeated the very object of all good government. Did not the constitution say, that it was "intended for the peace, safety, and happiness of the people." The immediate tendency of this law, was the very reverse. It had destroyed their peace: it had endangered their safety: it had interrupted their happiness. It was dangerous in its operation,—it was therefore unconstitutional. But it was likewise unconstitutional, because it interfered with the province of the electors: it assumed a power which the people had not delegated. The people had vested the choice of a governor in the electors, and they had not empowered the senate or any other body of men to review their proceedings. He desired any gentleman to produce a single clause from the constitution, which gave them this authority: and if the people had not given it, they had retained it to themselves.

Mr. McClung replied that an argument founded on the *effect* of a law, though a good one for repealing it, was no argument to prove it unconstitutional. If it be a bad law, let us repeal it—but let us not aim at suspending its operation, and prohibiting the execution of it, while it remains sanctioned by legislative authority.

This would be utterly unconstitutional. Shall a committee of the senate (said he) assume a *dispening power*? Would a court of justice be permitted to do this? Should we not reprobate it as assuming a power which would tend to the subversion of government? And shall we be guilty of an assumption of power which we should regard as so dangerous in another branch of the government?

Mr. Clay maintained that the resolution proposed, involved no such assumption of power. Should it pass, the committee would report it to the house, and if the house adopted the resolution, they would consequently vote, that the law which authorized them to interfere with the electoral proceedings, was unconstitutional; a vote that would of course be followed by a bill to repeal the act in question, which, after having passed the senate, would be sent to another house for their concurrence. In no part of



procedure could no discern any thing illegal or irregular.

Mr. McClung replied that the gentleman who was last up, in proposing a repeal of the law, gave up the idea, as to its being a mere nullity. If the law be void in itself, where was the occasion for repealing it? But it seems as though he repealed: it is therefore in force till that repeal takes place; and in force, the senate is bound to oblige it.

Mr. Clay observed, that the gentleman had misunderstood him. The law was certainly void in itself; upon that principle they were justified in disregarding it. Thus far it was their duty to go as a committee of the senate; but the senate itself, united with the other branches of the legislature, ought to go farther; they ought not to suffer their statute book to be disgraced, by a law, which should never have existed. The law was unconstitutional, and should therefore be repealed.

Col. Bullitt rose, and spoke with an energy which it would be impossible to transcribe into a written detail of his observations. Never, through the whole course of his political life, had he felt more alarmed, than at the attempt which was now proposed in the committee. A their duty had summoned them to act upon a law which did not suit their inclination. What was the expedient proposed in this difficulty? It was an expedient which would disgrace the committee, and cast a stain upon the legislative conduct of the senate, which would never be removed. It was proposed to suspend a law till it could be repealed. Was it possible to devise a project more dangerous, a project which would strike more effectively at the root of public justice, and which would render the possession of every right, more uncertain and precarious? The law does not agree with our partialities. It favors an individual not a favorite of the senate. He has certain claims on the justice of this committee, upon the ground of that law. The law must be repealed; but a repeal will not answer the purpose; it must be suspended. This is the object of the motion now before us. I am astonished (said the honorable gentleman) at observing so little sagacity in the senate, on viewing the proposal of the gentleman opposite to me. I tremble for the welfare and safety of my country, which I contemplate the abyss into which we are about to be precipitated. The imagination cannot paint a measure more dangerous, and more subversive of public faith and legislative integrity. I know of no evil I would not take in preference to it. Were Pandora's box on one side and the resolution on the other, I should prefer putting my hand into the former, and plucking the evil that would prevent it, to taking up the motion which a member of this committee has laid on the table.

Mr. Clay would by no means imitate the example of the gentleman who had spoken before him. It had evidently been his aim to carry away the committee by their feelings. For his own part he wished them to exercise a cool and dispassionate judgment. Their judgment would dictate that the law was unconstitutional, that they could not act upon it, and that it ought to be repealed.

Some short observations were farther made by Col. Campbell, Col. Bullitt and Mr. McClung, when the committee divided on Mr. McClung's amendment: the members were,  
For the amendment 4  
Against it 7  
Majority 3  
The original resolution of Mr. McClung being then put, the members were,  
For it 6  
Against it 5  
Majority 1

Col. Bullitt then brought forward his resolution, declaring that the electors acted unconstitutionally in taking a second ballot.

Mr. Moily and Col. Campbell, both objected to the introduction of a question which they had already determined they had no right to take into consideration.

Mr. Taylor had no objection to the question being taken, though he was perfectly satisfied that they had no judicial authority in the business, and had not the smallest doubt respecting the propriety of the electors' proceedings. The gentleman who had spoken most fully on the question, with a view of showing that they had no right to proceed to a second ballot, had referred to the federal constitution

(from which, he had observed, ours was chiefly borrowed) to prove that a second ballot was not countenanced by that instrument. His own idea was very different: for it appeared to him that the federal constitution actually had functioned that very proceeding which they were called upon to blame in the electors. It expressly said, "The person having the greatest number of votes shall be the president, if such number be a majority of the whole number of electors appointed"; and again, "A majority of all the states shall be necessary to a choice".

The federal constitution, therefore made against the gentleman who quoted it: it was a precedent to the electors in making no return of a governor, till a majority had concurred in the choice of one.

The question was then put, and negatived without a division.

The resolution from the house of representatives for receiving the communications of the governor, was then brought forward and adopted.

The committee rose and reported progress; and the resolutions which had passed in the committee, being put, were adopted by the house.

Mr. McClung having remarked, that since they had declared the law respecting elections, unconstitutional, it was necessary that it should be repealed, brought forward the following resolution, which passed unanimously:—  
Resolved, that so much of the law of the general assembly, as empowers the senate in a committee of the whole to decide on a contested election of a governor, is unconstitutional and ought to be repealed." He then proposed that it should be immediately sent to the house of representatives, and in case they should concur with the senate, that a bill should be brought in for the purpose.

It was replied that no inconvenience would result from a short delay, — that it might obstruct the progress of business of more immediate consequence, — and that if a discordance of sentiments between the two houses should be the result, it would lead to an alteration which might be productive of very unpleasant effects.

The question being put, passed in the negative; and the senate adjourned.

### Lexington, December 3.

Stephen Ormby, Isaac Shelby, Caleb Wallace and John Coburn, gent. are chosen Electors, for this State, to elect a President of the United States, who are to meet for that purpose at Lexington on Wednesday next.

The House of Representatives of this State, on the 23d ult. passed a resolution, directing the sheriffs in the several counties in this Commonwealth to suspend the sales of all lands in their respective counties which are liable to be sold for taxes due thereon, under any of the revenue laws of this State, until the first day of February next.

It is now almost three weeks since the arrival of a Mail down the Ohio, which has deprived us of any Foreign News.

Answer of the House of Representatives to the Governor's address to both Houses of the Legislature of this State.

To the GOVERNOR OF KENTUCKY:

SIR,  
The sentiments of gratitude which you express through the legislature, to the citizens of this State, in calling to you the important office of chief magistrate, will, no doubt, be received with pleasure.

We are sensible of the sacrifice you have made in quitting the life of a private citizen, by obeying the voice of your country, and taking upon yourself the burden of public administration. We believe you to be sincere, when you inform us, that in accepting the office which you now fill, you were actuated only by views of public utility; and entertain a pleasing hope, that by your attention to the interest of our common country; your faithful and impartial administration of government, you will secure to yourself the confidence of your fellow-citizens.

With you, sir, we contemplate with pleasure, the blessings secured to us by a beneficent Providence, in bestowing on our country peace and plenty, and are sensible that no people ought to be more grateful to the Divine Being for favors conferred, or have greater cause to be more contented and happy.

Your observations on several laws of this State, are pertinent, and your communications satisfactory. You may rest assured, that during the pre-

sent session, they shall be attentively considered; and such provision made, as the nature of the several cases require.

With pleasure we behold the flourishing state of our finances, and the rise of public credit: and we consider it our indispensable duty to be governed by proper economy in appropriating public money; and that none be disposed of, but to useful purposes, tending to promote the happiness and convenience of our constituents.

The assurance your excellency has given of your readiness to accord with the legislature in every measure which may tend to promote the prosperity of the State, affords real satisfaction: and being fully sensible, that harmony should prevail through the several departments of government, for the promotion of the public welfare, we conceive it our duty to assure you, that the representatives of freemen of Kentucky, will, with pleasure, concur in every measure that will advance the happiness and interests of the community at large.

From *Gales's Independent Gazetteer*.

### CONJECTURE

On the Manner in which America was first peopled.

Beyond the Obi, in the immense regions of Tartary is a great river called the Kavonia, which receives the waters of another, known by the name of Leno. At the Kavonia, where it discharges itself into the frozen Sea, lies a large island, frequented by a vast number of people, who resort to it for the purpose of killing certain amphibious animals which are found therein in great abundance, which the people of this country call Behemots. These creatures are frequently seen asleep on the ice in the Frozen Sea; the hunters or fishermen often get on the ice for the purpose of killing their prey; great assiduity is requisite on this occasion, therefore the hunters generally take their wives with them to assist in the chase. It but too often happens, that whilst these poor people are engaged in this business, a thaw comes suddenly on, by which the immense plain of ice is broken into many floating islands. Upon some of these the hunters are sometimes washed to the shore from which they originally adventured; but when the wind blows from the shore, these unfortunate creatures are never seen again by their countrymen; but whether they perish through cold at sea, or are driven to some other coast, is not known.

Now it is not at all improbable but some of those floating islands may have been driven towards the point of North America, which lies at no great distance from that part of Asia which projects into the sea of Tartary. What renders this opinion extremely probable is, that the Americans, who inhabit the parts to which we allude, have exactly the same complexion and features with the Tartars who live upon the islands mentioned as situated at the mouth of the Kavonia; and precisely the species of beasts and animals are found on the borders of the sea of Tartary, that are seen in the most northern parts of the continent of America.

Such is the conjecture of a writer of great learning and knowledge, who often saw the island we have been speaking of who was Waywode of Smollerikö. That the first Europeans who landed in America found the country inhabited, is beyond doubt. How the ancestors of the natives got there, perhaps never will be known to a certainty; therefore we have no other rule to go by than that of conjecture and probability.

From the same.

### A CRUST FOR JOKERS:

SIR,  
I ALWAYS loved a good, smart and innocent jest; but, believe me, I am far from always liking a joker.

It is not this something like loving the reason, and hating the traitor!"

By no means; the man who now & then entertains a company with a jest, is as different from a common joker, as a good free hearted girl is from a common prostitute.

"That is a bold assertion."

No bolder, than it is true. But to illustrate the position.

There are various sorts of professed jokers. To mention three of the principal, however, will serve our purpose at present.

I shall begin with the wholesale joker, who endeavors to turn almost every thing, however serious in its nature, into laughter; lies in wait for opportunities to lay good things, tells many funny stories, in which he stretches the strings of probability; and though he means no harm; and perhaps seldom means any thing, would, rather than lose his joke, risk the loss of his friend. This, I take it, is no very respectable character.

The next in rank is, the retail joker, who deals out jests, as the London gentry in Monmouth-street do clothes; tells old stories which he vouches to be new ones; having himself been present (as he himself says) when the jokes he mentions took place. This is an engorger of conversation, a waster of time, and — echoes twenty times repeated in the ear of a man whose heart aches, is not more tiresome than such a fellow.

But there is a third sort, which I term the mischievous joker. One of the most innocent of these is generally enough to make a company unhappy, by making up some lie or other, which if believed, must be productive of painful sensations, and the laughing at the credulous hearers (as being taken in) for having had too good an opinion of his veracity. Another set of these risible fellows cloak their affronts under the name of jokes; and while they pretend to railery, the true spirit of which they do not, nor will not understand, sport with the characters alike of the present or absent, tell disagreeable truths, with which they have no business, and frequently frame lies calculated to expose people to contempt; and when the matter comes to an elucidation, nobody must be angry, for the party was but in joke.

I remember seeing one of these factions gentlemen brought into a rather disagreeable situation by the exercise of his talent, where it was not required. He had very dexterously delivered of twins, the sister of an officer (a widow lady) that had been ill of a dropsey; and had said many good things upon the occasion. He had also, with the same dexterity, made her brother quarrel often about this circumstance, and afterwards refuse a challenge. — He entreated his disciples with many jests upon big bellies and red coats, and had nearly finished when the officer in question (who was unknown to him) entered the room. The officer seemed highly pleased with his conversation, and winking to the company, desired him to repeat many of the good things he had said. Afterwards he declared himself his brother, and very coolly begged to be excused "for spoiling a good story by enquiring into the truth of it;" but this he said he must be informed of. The wit immediately recanted every syllable, and declared he was only in jest; but the military man protested, "he did not like such jests, nor would he excuse them." Apologies were offered, but not accepted; and the joker got a good caning in return for his wit and ingenuity, which made him act some very clever capers, to the great entertainment of the company. Will any one pretend to deny that he had his reward?

Now at this species of beings are at the very head of the genus of modern jokers, as any wife and reasonable man be partial to persons of such a description? Plain Truth.

RAN away from the subscriber, on the dry fork of Chaplin, Mercer county, the 22th of October, an Apprentice girl, by the name of Ann Brown in her seventeenth year, of a middling stature, much given to liquor, of a hazel countenance, had on when she went away, an old felt hat, silk handkerchief, brown short gown and petticoat. All persons are hereby forwarded from harboring her, or any person apprehending said girl and sending her home, shall have One Shilling reward, and reasonable charges paid by me. [2p] PHIL. BOARD.

TAKEN up by the subscriber living in Hardin county, a Dray Mare, natural trotter branded D on the right shoulder, four white feet, a large flat ear snip; about thirteen hands high about two years old. JACOB RHOADS: April, 1796. \$

JUST PUBLISHED, And may be had at this Office— AN OFFICIAL ACCOUNT Of the Situation, Climate, Soil, Produce, &c. of that part of Louisiana, which lies between the Missouri and New Madrid, or La Salle & La Crosse, and the West file of the Mississippi. Taken with an Abstract of the Spanish Government.

For advertisements see Gazette Extra.



# SONG.

THE DESPAIRING LOVER.

**D**ISTRACTED with care,  
For Phyllis the fair;  
Since nothing could move her,  
Poor Damon, her lover,  
Resolves in despair,  
No longer to languish,  
Nor bear so much anguish;  
But mad with his love,  
To a precipice goes,  
Where a leap from above,  
Would foon finish his woes.

When in rage he came there,  
Beholding how steep  
The fides did appear,  
And the bottom how deep!  
His torments projecting,  
And sadly reflecting,  
That a lover forsaken  
A new love may get;  
But a neck, when once broken,  
Can never be set:

And that he could die  
Whenever he would;  
But, that he could live  
But as long as he could:  
How grievous tover  
The torment might grow,  
He scorn'd to endeavor  
To finish it fo.  
But bold, unconcerned  
At thoughts of the pain,  
He calmly return'd to his cottage again

From the Western Telegraph.

THE AFRICAN'S COMPLAINT.

Phœbus had immerfed his flaming forehead in the Western main,  
Smoothly glided the mild zephyrs,  
Gently murmuring amongst the fur-  
rounding foliage—Cynthia in blushing  
majesty began faintly to gild with  
silver tints the distant hills—a thou-  
sand glittering gems sparkled thro'  
the circumambient hemisphere—Na-  
ture seemed smiling to invite to noc-  
turnal contemplation the fons of phi-  
lofophy:—courted by the enchanting  
scenes, and enveloped in a pleasing re-  
verie, I walked forth amongst the fur-  
rounding shades—"Happy, ye free  
born fons of Columbia," exclaimed I,  
"liberty and plenty blefs your domef-  
tic retirements; war, devaftation, and  
wide-wasting rapine have fled from  
your peaceful fhores; no murderous  
alfalins or night-prowling incendiary  
carrs the hidden dagger of slaughter  
or dread torch of destruction to dif-  
turb your uninterrupted tranquility;  
no hostile armies to snatch from your  
tender embrace the fon, the husband,  
the father, or brother—No." I would  
have proceeded, but a voice that feem-  
ed to pierce my inmost foul iffued from  
the adjacent shades: despair and an-  
guish vibrated on the fleeting founds—  
my foliloquy was broken—"Fare-  
well every pleafure," it exclaimed, in  
a voice rendered almoft inarticulate by  
grief. "Adieu, ye native fies! No more  
fhall the unhappy CONGOBOREIT  
beneath the fpeading arbors of  
Congo—No more fhall the charms of  
the lovely YONKA give pleafure and  
delight to a bnfom racked with the  
moft excruciating pains. Oh, ye aged  
parents! what were your feelings, how  
did your bnfoms heave, when from  
your child, your Crymbo, was torn from  
you by the cruel, unfeeling Chriftian  
—forced into a floating dungeon,  
more terrible than death itfelf—bar-  
tered as a flave—exposed to contempt  
and scorn—unjuftly marked with the  
whip of tyranny—his labour unjuftly  
extorted from him—denied the com-  
mon neceffaries of life—trampled on  
by a monfter, whole avaricious heart  
outvies the adamant, unfeeling of the  
tender feelings of foft humanity! Oh,  
thou invifible Being, who fufstains  
the univerfe! why doft thou fuffer  
thy votaries to perpetrate fuch bar-  
barity under the fufction of thy vena-  
rable name!—Hold. Why do I up-  
braid Heaven? Death will ere long  
liberate my diftracted foul. Oh! how  
ineffably glows my breaft—the delect-  
able view, fhowers me drops of com-  
fort into my tortured mind. Flow  
swift, ye intervening moments! Come  
thou welcome hour! when my fpirit  
fhall quit this finking frame, & wait-  
ed on the wings of wind, fhall fearlefs  
dart across the rolling atlantic and  
again embrace thofe tender, once dear,  
but now diftant companions of my  
youth!—But why do I linger. My  
mafter is now waiting to receive an  
account of my labour—perhaps the  
fufurging laff." Here came back,

like an inundation, the remembrance  
of his flavery, which had only for a  
moment fled to give room for a beam  
of comfort, which foon fubfided and  
left more acute fenfations than be-  
fore. Sobs and inarticulate expref-  
fions were all that he could utter, whilft  
in halty fteps he wandered from my  
hearing. For fome moments I re-  
mained flupid, petrified to the fpoet;  
ftill, methought, I heard the founds  
of mifery echoing amongst the lonely  
fhades, "Ungrateful countrymen!"  
I exclaimed, "Why do ye deny thofe  
ineffable bleffings to your fellow-  
men that Heaven has fo eminently di-  
gnified you with? Or, why fo callous  
to tender pity, as to lacerate the flefh  
of the innocent? Oh, ye votaries of  
chriftianity! how can ye reconcile  
your execrable conduct with the pre-  
cepts of the divine, the exalted and e-  
levated maxims of the great founder  
of your fyftem!"

## CIRCULAR.

PHILADELPHIA, Sempter 25.

SIR,  
The republican members of the ftate  
legiflature, and of congress from this  
ftate, before their late adjourment,  
had a meeting to frame a ticket for e-  
lectors of the president. They at the  
fame time appointed a committee to  
communicate to the citizens of Penn-  
fylvania, any information of impor-  
tance on the fubject of the election,  
which might come to their knowledge  
at the feat of government.

By the death of David Rittenhoufe  
from the city of Philadelphia, a  
chafin has occurred, and the commit-  
tee after obtaining every information  
in their power and confulting with  
fome friends from different counties,  
have agreed to recommend James  
Boyd, of Cheller county, to complete  
the ticket, as it would have proved an  
injury to it had a blank remained.

They greatly lament in common  
with their republican friends through-  
out the ftate, that the advocates for fair  
election in the laft legiflature were  
unable to prevail in difticting the  
ftate for the choice of electors; they  
are fenfible of the inconvenience of the  
mode adopted. It was no doubt adopted  
to promote the views of the anti re-  
publicans, by giving full fcope to their  
talents at intrigue and combination;  
but fince it has been forced upon us,  
let us defeat their defigns by union and  
activity.

The prefent is an important crifis.  
citizen who now fills the ftation of  
chief executive magiftrate of the union,  
has officially declined a re-elec-  
tion, and the conteft for that impor-  
tant office will lie between two men of  
very diftimilar politics indeed—Thom-  
as Jefferson and John Adams. It re-  
mains with the citizens of Pennfylv-  
ania to decide, in which they will re-  
pofe confidence, the uniform advocate  
of equal rights among citizens, or the  
champion of rank, titles, and heredi-  
tary diftintions;—the ftady fuppor-  
ter of our prefent republican confti-  
tution; or the warm panegyrist of  
the Britifh monarchical form of govern-  
ment, one who has unqualifiedly de-  
clared as hazardous and dangerous,  
our departure from his model of excel-  
lence, the Britifh conftitution, in mak-  
ing our executives and fenate elec-  
tive. No comment upon opinions fu-  
perverfe of the basis upon which our  
free government reft, need be addref-  
fed to Americans; they will in the  
minds of every one impreffions and  
felf-evident truths, that muft repel  
with abhorrence fuch doctrines.

The iffue of the approaching elec-  
tion of prefident and vice-prefident,  
from the belt information we are able  
to procure is likely to depend alto-  
gether upon the exertions which fhall  
be made in this ftate in the choice of  
electors. It is calculated, that the  
ftate to the north and fouth of this  
will be nearly balanced, fo that the  
calling voice remains with Penn.  
No greater plus to unremitting exertions  
can exift. The firft executive magif-  
trate of the union is to be chofen, the  
conteft is between a tried republican  
and an avowed ariftocrat, the balance  
is in our hands.

AARON BURR of New-York, and  
THOMAS PICKNEY of South-Carolina,  
will be principal, of not only, candi-  
dates for the vice-prefidency; the  
former will be fupported by the re-  
publican intereft.

Should any further information oc-  
cur worth communicating we fhall

\* Page 262, 1st volume of Adam's defence of  
the conftitutions of government of the United  
States of America, London, edition of 1794.

immediately impart it. Any informa-  
tion from you in return on the great  
objects which fhould now engage our  
undivided attention will be thank-  
fully received.

In behalf of the committee,  
M. LEIB, chairman.

## THE SUBSCRIBER

BEGS leave to inform his customers  
and the public in general, that he  
continues to carry on the

## FULLING BUSINESS

In all its various branches, at his mill,  
five miles from Lexington, on Tate's  
creek road, all thofe that pleafe to fa-  
vor him with their custom, may de-  
pend on having their work done in  
belt manner and at the loweft rates.  
He takes in cloth in Lexington, on the  
firft day of every Fayette county, at the  
houfe formerly occupied by Mr. John  
M'Nair; and returns the fame there  
when done.

LAZARUS ROGERS.

## NOTICE.

I HAVE been appointed guardian to  
Benjamin and Nancy Chinn, or-  
phans of Chriftopher Chinn, deceased.  
There will be four likely NEGROES  
exposed to hire for one year, before  
the fufcriber's door, on Monday the  
fecond day of January next, three of  
which are fellows and one woman,  
faid to be as valuable as any in the  
ftate. They muft be returned well  
clothed and taxes paid. Thofe to  
whom they are at prefent hired muft  
remember that if it is their contrail to  
clothe the negroes, they muft comply  
with the fame by the time above men-  
tioned.

Alfo thirty barrels of CORN to be  
fold on twelve months credit, near  
Maj. Randolph's in the neighbourhood  
of Lexington.

Alfo fifteen acres of cleared LAND  
to be rented for one year. Any per-  
fon delirous of renting may view the  
premises before the day. All perfons  
are forewarned from cutting timber  
on the land of faid orphans. Bond  
and approved fecurity will be requir-  
ed.

## WALKER BAYLOR.

N. B. The above negroes are not  
to be hired to any perfon living more  
than five miles from Lexington.  
December 1, 1796.

THE fufcriber has four thousand  
acres of LAND in the officers' pa-  
ragement, north-weft of the Ohio, ob-  
tained for his own fervices, two of  
which lies within three quarters of a  
mile of the Ohio, on Straight creek,  
emptying into the river appofite Mr.  
Lewis Craig's, and adjoining the lands  
of Stephen Southall, James Poage,  
David Walker and William Vance, of  
an early date, faid to be valuable, one  
thousand of which I will fell on mode-  
rate terms, one moiety paid down,  
the other a reafonable credit given for.  
Any perfon delirous of purchafing  
may know the terms on applica-  
tion to the fufcriber, who refides in  
Lexington.

## WALKER BAYLOR.

December 1, 1796.

ON the 24th inft. I fhall attend  
with commiffioners appointed by  
the court of Shelby county, on Thom-  
as Dagley's fettlement, near the  
head of Gitt's creek, in order to take  
the depofitions of witneffes, to efta-  
blish faid Dagley's claim; and de-  
fuch other things as may be neceffary.  
I am interefted in land that calls to ad-  
join faid fettlement.

## WILLIAM STAFFORD.

December 2, 1796.

## Notice.

THE partnership of Boggs & Ander-  
fon is diffolved by mutual con-  
fent.—All thofe indebted to faid firm,  
are requested to pay off their refpec-  
tive balances on or before the firft  
day of January next: Thofe who fail  
need not expect any farther indul-  
gence.

## BOGGS & ANDERSON.

December 2.

TAKEN up by the fufcriber, living  
four miles below Buchanan's mill,  
on Salt river, a bay horfe, fuppofed to  
be two years old laft fpring, thirteen  
hands three inches high, a ftar, both  
hind feet white, a black spot in the  
white of the near foot; appraised to  
6l.

## JOHN DOWNY.

August 24.

## FOR SALE.

A likely Negro Girl, aged  
eighteen years; fide a Man and a Wench—for  
particulars apply to the fufcriber.

## JOHN TANNER.

Living in Weft-Corland county, on Greer's creek.

## NOTICE.

I hereby given to all thofe whom it  
may concern, that I fhall attend  
the commiffioners appointed by the  
county court of Shelby, on Wednefday  
the fourteenth day of December 1796,  
at James Lees Improvement call'd for  
in his certificate of Settlement and  
preemption with the commiffioners,  
about two miles above the painted  
ftone, then and there to perpetrate  
teftimony of faid improvement, and  
do fuch other things as may be de-  
cided neceffary and agreeable to law.  
MOSES BOONE.

November 1796.

## FOR SALE,

ONE HUNDRED AND FORTY ACRES OF  
LAND,

SITUATE in the forks of Elkhorh, about  
three miles from Nathaniel Sumner's  
Mill and feven from Frankfort, the whole of  
it firft rate, with good improvements, to wit:  
two good leaved log houfes, beides feveral other  
old houfes, about twenty-five acres cleared, all  
under good fence, a fmall meadow, and a quantity  
more with little trouble and fmall expence  
may be converted into excellent meadow; alfo,  
an excellent young peach orchard, con-  
taining upwards of three hundred trees; an  
excellent never failing fpring, which runs thro'  
faid land. A general warranty deed will be  
given for faid land. The terms will be made  
known by applying to Enoch Fenwick in Lex-  
ington, or to me on the premises.

WILLIAM ROBERTS.

## NOTICE.

THE fufcriber once more earnestly requefts  
all thofe indebted to him either by bond, note,  
or book account, to come forward and settle up  
their refpective balances, by the firft day of Jan-  
uary next. Thofe who do not avail them-  
felves of this notice, may expect no further in-  
dulgence; as I am determined to have all hand-  
ing accounts fettled by that time, without re-  
fpect to perfons.

## GEO. TEGARDEN.

December 2, 1796.

TAKEN up by the fufcriber, living in Har-  
dis county, Hardinville, a bay Mare, three  
years old, fourteen hands high, has a ftar and  
fifteen feet high, branded on the near  
foulder ID, appraised to 8l.  
Alfo a brown Mare, neither docked nor brand-  
ed, thirteen hands high, three years old, ap-  
praised to 7l.

## ADAM BAUNER.

WSP

## FOR SALE,

THE HOUSE & LOT whereon I now live,  
on Linnetown ftreet, in the town of Lex-  
ington: the lot is forty feet front and fifteen  
feet back; the houfe is twenty-four feet front  
and twenty-fix feet back, built of fquare lime,  
one ftory high. Alfo, a fied fifteen feet wide and  
twenty-fix feet back, with two good fire places  
in it. Particularly, and part time goods, or other  
property, will be taken in payment. For terms,  
apply to

## WILLIAM ROSS.

## GEORGE ADAMS.

RESPECTFULLY informs his  
friends and the public in ge-  
neral, that he has opened Tavern, in  
that commodious houfe on Main ftreet  
the third door below Crofs ftreet;  
where thofe who pleafe to favor him  
with their custom, fhall meet with every  
poffible attention.

NOTICE is hereby given to all whom it may  
concern, that I fhall attend with the com-  
miffioners appointed by the county court of Wal-  
ter, under the act of afsembly entitled "An Act  
to afertain the boundaries of lands, and for o-  
ther purpofes," on the ninth day of February  
1797, at a tree marked M, on the waters of White-Oak creek 2 l. here: to  
eftablifh the faid fpring and tree and other calls  
of an entry of 950 acres of land, made on a  
Military warrant in the name of George White,  
and entered the 22d day of April 1783; and to  
do fuch other things as may be deemed neceffary  
and agreeable to law.

DAVID SHEPHERD, Atto. in Fact

for the heirs of Geo. White

## Notice.

I SHALL attend with the commiffioners ap-  
pointed by the court of Franklin county, on  
Friday the fixteenth of December next, at A-  
dam Young's improvement, on the North fork  
of Hammons's creek, about one mile & a half  
wefwardly from Mr. M'Brayer's houfe, in or-  
der to take the depofitions of fundry witneffes,  
and perpetuate their teftimony, refpecting the  
faid improvement, and other calls in the entry  
of his preemption warrant, (the title to the Land  
covered by faid entry being vefted in me), and  
do fuch other acts as may be neceffary and ag-  
reeable to law.

WILL. MCLUNG.

Nov. 21, 1796.

## NEW ORLEANS.

THE Subfcribers well engage a number of  
Able Bodied MEN, to conduct their Boats to  
New Orleans. Liberal wages will be given.  
Apply to  
SATT & LARSEN.  
Lexington, November 25.

## THE KENTUCKY ALMANAC,

FOR THE YEAR 1797,

May be had at this Office, by the grofs, dozen  
or fingle.



# KENTUCKY GAZETTE EXTRA.

NUMBER 12.

Saturday, December 3, 1796.

[VOLUME X.]

LEXINGTON:—PRINTED BY J. BRADFORD, ON MAIN STREET, WHERE SUBSCRIPTIONS ARE RECEIVED AT 15<sup>¢</sup> PER ANNUM.

## To the Public.

From a received opinion that the different Departments in the General Government, now are (or shortly may be) filled with men, whose political sentiments differ materially from those who lately filled them; it may be presumed, that an entire new system of policy may be adopted, and that a material change made in the present. In either case, Citizens of every description, must feel themselves deeply interested. As there is no other possible method by which the people at large can, at this remote distance, be made acquainted with such proceedings in the different Departments, as will enable them to form a right judgment of the general political system; but through the medium of the press; and as the present plan of the News-Papers published in this State is too contracted, completely to answer the purpose, as well as the ordinary purposes of a News-Paper, the Editor submits the following

## PROPOSALS

For Publishing the KENTUCKY GAZETTE twice a week.

1. That this Paper be published every Wednesday and Saturday, from and after the first day of January next.
2. That the price per annum to Subscribers, in three dollars, and in half to help to the cost of the time of publishing, that the balance at the end of the year.

As the existence of a News-Paper depends entirely on the patronage of the public; it would be improper to attempt any material change in one already established, without first consulting their approbation; therefore, the Editor requests all those who are subscribers to the KENTUCKY GAZETTE on the present plan, and who disapprove of the above alteration, to signify their disapprobation before the time it is intended to take effect;—such as are silent, will be considered as according to the proposal, and consequently their papers continued.

The public's humble servant.

JOHN BRADFORD.

November 19, 1796.

**NICHOLAS BRIGHT,**  
BOOT & SHOE  
MANUFACTURER.

RETURNS his thanks to his friends and customers for their past favors, and hopes by attention to business to merit them in future. He begs leave to inform the public in general, that he has removed his shop (from time since) on Clark's street, at the lower end of Clark's rope walk—where he continues to carry on the above business in all its branches. He has received from the gentleman, an assortment of the best leather, and has as good workmen as any in the United States. Ladies may have silk, fluff, or leather shoes, as neat as any made in Philadelphia. He wants five or six Women's Workmen, to whom good wages will be given.

if Lexington, October 1.

RAN AWAY

FROM the subscriber, living in Woodford county, a young, dark mulatto woman, named BETTY, aged about twenty years, of a low stature, had with her, a green skirt, and a white Marseilles, being a good dresser, a high forehead, and several blemishes—she has a grey brown, a small fair in the edge of her hair that wavy, and light rather thick. She is probably about Lexington, Capt. John Holder, or Bourbon County. Whoever will secure her in jail, shall have a reward of FIVE DOLLARS. If she is brought home a reward of TEN DOLLARS. Shall be given by

R. MARSHALL.

Nov. 9.

## TO BE SOLD

TO THE HIGHEST BIDDER, ON Thursday, the eighth day of December next, at the plantation of Joseph Royal Farver dec. the stock of horses, cattle, sheep and hogs, together with household and kitchen furniture, and all the crops of corn and fodder of said deceased. Twelve months credit will be given the purchasers, for all sums above forty dollars, on giving bond and approved security to

**JOSEPH ROGERS,**  
AND  
**JENNEY ROGERS,**  
ADMRS.

N. B. At the same time and place, there will be Negroes to hire out, and Cleared Land to let.

## LAND FOR Sale.

## THE SUBSCRIBER

HAS several tracts of Land in different parts of Kentucky, for sale, which he will dispose of reasonably.

JOHN CLAY.

Lexington, 4th August, 1796.

## STOLEN CHEAP LANDS

FROM the subscriber, living one mile below Abingdon, in Washington county Virginia, a large bay Horse, about fifteen hands high as upwards, four years old last spring, remarkably round bodied, trots and paces, has been worked constantly this summer, and rides very cleanly, has a small star and has been branded on the near jaw with some thing like a, but is not very perceptible. He is out of a Telo horse, and shows the marks of that breed, and is sleepy eyed, his mane and tail black, fresh tail, light mane; was stolen about the night of the 25th of this instant. Any person securing the horse and thief for that he may be brought to justice, shall have thirty dollars reward, or for the horse fifteen dollars and reasonable charges paid by me.

August 31. ROBERT CRAIG.

**A. & J. W. HUNT,**  
WILL PURCHASE TOBACCO

Of the present year's growth, at their stores in Lexington, Danville and Frankfort.

This is to inform my Friends, and the public in general, that I have just opened

## A STORE.

In Lexington, where I formerly kept Saddle Shop, at the corner of Main and Cross streets—Offering of  
**A** handsome assortment of Dry Goods, and a Hard Ware, and Shoe-maker's tools complete. A most elegant assortment of Milliner's work, such as Bonnets, Hats, Caps, Featherers, and a number of other handsome pieces of Ornament for Ladies. Together with a few Ladies' Watch Chains, and Gold Ear Rings, all of the newest fashion.

Also

A large and general assortment of

## MEDICINE.

Among which is the following Patent Medicine, (see note.)

Cathor, Sweet, and scratch oil.

Godfrey's cordial.

Batem's drops.

Turkington's balm of life.

Anderson's pills.

Also

Madder Allum, Whiting, Tel-Powder, and a quantity of excellent Spunge; together with a number of other articles too tedious to mention. All of which will be disposed of at whole sale or retail, by the public's most obedient, humble servant.

Aug. 25. BENJ. S. COX.

I have some valuable tracts of Land in different parts of this State; as well as upwards of one hundred thousand acres in the great bend of Tennessee, which it well known to be of the first quality. Any gentleman inclined to purchase, may be furnished on the most reasonable terms, and the titles indisputable; which may be seen, by applying as above.

14 FOR SALE,

HAT large and commodious House, in Main street, formerly occupied by Melville & Co., and now by Messrs. Smith, Price & Co., its advantageous situation for public business is to well known, that it needs no recommendation. For terms apply to the subscribers, who are authorized to sell and convey the same.

THOMAS IRWIN,

JOHN A. SEITZ.

LEXINGTON, SEPTEMBER 1.

## NOTICE

HAT Commissioners appointed by the court of Franklin county, will meet on Wednesday the 7th of December, at Goar's station, and proceed from thence to an entry of four hundred acres of land, on the north side of Elkhorn, in the first bottom above Goar's station, made in the name of Abraham Keller; in order to take the depositions of thirty witnesses to establish the calls in said entry and perpetuate their testimony; and do such other acts as shall be deemed necessary and agreeable to law.

JOHN KELLER,

November 17 1796.

MADISON, (to wit.)

October Court, 1796.

ORDERED, that the Sheriff of Madison county, summon Betty M. Guire, Polly Overly, Zechariah, Cary William and Lucy Welch, heirs and legatees of Thomas Welch dec. to appear before the justices of the county court of Madison, at the court house, on the first Tuesday in December next, to show cause, if any they can, why the lands which they claim as heirs to the said Thomas Welch, should not be exposed to sale; and that a copy of this order be published eight weeks in the Kentucky Gazette.

(A copy.) Teite

WILL IRVINE, C. N. C.

## The Subscribers purport selling the following Tracts,

1. 1200 hundred acres, part of that noted tract called Lloyd's woodcock tract, within eight miles of Lexington and seven from the Kentucky River; in the center of which is a never failing spring.

2. Five hundred acres, lying within six miles of the town of Concord, and within six miles of a flour-mill, and made for Mrs. John Mobley, adjoining Coleman's tract.

3. Five hundred acres, situated on the Licking River, within six miles of the late Governor's one hundred and twenty acres of which is watered on it is a peach orchard of six hundred trees, that has made four hundred gallons of brandy in one year, and there is every appearance of a sufficiency of fruit to make five hundred this season; with an apple orchard of four hundred fruit trees, and a choice collection of cherry trees; together with a vast number of small fruit trees, and a good frame for a barn.

4. The above farm rents this year for two hundred dollars.

We will sell the above property VERY LOW, as we are in want of money, and will give a good and ancient title.

ABRAHAM & JOHN W. HUNT.

22 For Sale,

SIX THOUSAND ACRES OF LAND,

ENTERED for Mrs. John Mobley, dec. and patented in the name of Louisa Mobley, near at law of said John Mobley's lying on Main Licking, being part of ten thousand acres, beginning at one hundred poles above the mouth of a creek that runs into main Licking on the north east side, about four miles below the town of Lexington, and extending down Licking in ten degrees—It is unnecessary to describe the land, as the purchaser will be disposed to make the necessary enquiries previous to his making an application;—the title is supposed by said woman to have been carefully examined it to be unquestionable—The above part of the purchase money, a reasonable credit will be given for the balance.

James Brown, Ato. in Jail

For Littleberry Mobley, jun.

Lexington, June 15, 1796.

N. B. I will also dispose of any other Lands in Kentucky claimed by said Mobley.

17 THE partnership of M'COMB & CATTAMAN is this day dissolved by mutual consent.—All persons indebted to the said partnership are requested to make immediate payment of their respective accounts, as no further indulgence can now be given.—The books are in the hands of James M'COMB.

17 STORE will be continued by the subscriber, in the house lately occupied by M'COMB and Cattaman, where he means to sell on low terms.

JAMES M'COMB.

Lexington, August 13, 1796.

## NOTICE

ALL persons having demands against John M'COMB, either for money due to them, or for contracts payable in lands, are requested to transmit to the subscriber a copy of their demands or contracts. All who are indebted to said John M'COMB, either for money due to him, or for contracts for land purchased from him, or for locating lands in the State of Kentucky, are requested to make payment, and to perform the said contracts immediately. The said John M'COMB, by his last will and testament, subjected his lands to the payment of his debts, and the subscriber will make it the first object of his administration to provide for the same, with as much dispatch as the nature and circumstances of the estate will admit of. And whereas the said John M'COMB met with a premature death by the hands of the Indians on his passage down the river Ohio, many papers and much information perished with him, his probable the subscriber may need the information of others in this matter relative to the negotiation of the deceased, in the western country, and he will think fully receive any communications which gentlemen acquainted with the concerns of the deceased may think proper to make.

I have appointed Mr. Thomas Carneal my agent in Kentucky to receive and forward all communications in that state, alluded to above.

As the want of a legal representative since the death of Mr. M'COMB, has extruded all operations relative to his transactions, and no doubt to the injury of many, I now intend that all persons concerned may bring forward their business immediately.

DAVID ROSS, Administrator.

Richmond, January 22, 1796.

P. S. Letters directed to me in Lexington upon the above said business (postage paid) shall be duly attended to by

THO. CARNEAL.

## FOR SALE

ONE thousand acres of the late General Stephen's military survey of LANDS on Hickman, about ten miles from Lexington, and adjoining that part on which General Lewis now lives. For terms apply to Thomas Hart and Cornelius Hearty of said town who are empowered to dispose of the same.

## I HAVE FOR SALE, ABOUT

330 Acres of LAND.

LIVING on Shamokin run, near Parker's mill, in the county of Fayette, being part of Angus McDonald's military survey—this tract is as well watered as any in the State, and abounds in a number of excellent and never failing springs; between 32 and 60 acres cleared about 8 acres whereon is beautiful meadow—title indisputable. M. J. Stedley, who lives near this tract, will show the premises. A general warranty will be made to the purchaser, who may know the terms on application to Peyton Short, of Woodford, who is authorized to dispose of the same, or the subscriber.

THOMAS CARNEAL.

## FRESH GOODS

Alex. & James Parker, 20

HAVE just imported and now opening at their Store in Lexington, upon the Court House, a large and handsome assortment of well chosen MERCHANDISE, suited to the present season; which they will sell on very moderate terms for CASH and HIDES.

May 27, 1796.

## SIRATED

FROM the plantation of Mr. George Trotter, one mile from Lexington, a light colored horse, about five feet high, five year old, black face, white hind feet and legs, as high as the knees, a long white tail, light mane, his main and tail of a light colour, a natural trotter. Whoever takes up said horse, he delivers him at the store of Col. Trotter, shall have TEN DOLLARS, and all reasonable charges, paid by

ALEX. SCOTT.

Sept. 12.

## FOR SALE, A BEAUTIFUL SITUATION OF

First qualified Land.

CONTAINING three hundred and thirty acres, on main Elkhorn, four miles from the mouth thereof, where it empties into the Kentucky river, and six miles from Frankfort; the land is level and lies exceeding well for farming and mowing; there is thirty-five acres cleared and under good fence, several very good buildings, a good spring and a valuable mill race, likewise abundance of excellent timber of different kinds, and the range equal to any in the district—a good title will be given by the subscriber, living on the premises in Franklin county.

JOS. FENWICK.

July 25, 1796.

## FOR SALE

The following TRACT OF LAND, the property of Capt. Thomas Seelye (to wit.)

8000 Acres on the waters of Flat and Flat creeks, near the Iron Works, entered and patented in the name of William Davis. Also

1200 Acres on the north fork of Licking, in Madison county, half of Samuel Henry's 2000 acre survey.

520 acres, Nelson county, on Allen's creek, in the name of John Remondson.

The above lands will be sold low for cash, or exchanged on advantageous terms for Military lands on Green river, or for good lands, conveniently situated in the same or other counties. The purchaser will apply to the subscriber, living in Scott county.

WM. HENRY, Agent.

August 3, 1796.

AM instructed by Doctor Tennant of Virginia to sell 200 acres of his MILLED CREEK on the Ohio a few miles above Louisville. The LAND is well watered, is well watered and the title will be secured by a general warranty. For terms apply to me in Lexington, either personally or by letter.

JOHN WATKINS Jun.

## TO BE SOLD,

At the plantation of Edmund Bryant deceased, on Hickman road, about four miles from Lexington, on the twelfth day of December next, the estate of the said deceased, consisting of Stock of different kinds, Corn and Hay, with Farming utensils, and other property too tedious to mention. The terms of sale to be made known on said day.

All persons having demands against said estate are requested to bring forward their accounts properly attested in order that provision may be made for payment. All persons indebted to said estate, are requested to make immediate payment to

JOHN BRYANT, Adm'r.

Fayette county, Nov. 22. 20524

## TO BE SOLD,

ON Thursday the eighth of December next, (if fair, or the next fair day) at the plantation of John Price dec. on the waters of South Elkhorn, the estate of said deceased, consisting of Horses, Cattle, Sheep, Hogs, Corn, Small Grain, Hay, and sundry other articles, particularly a quantity of rich Brandy. See months credit will be given for all sums above twenty-five dollars, on giving bond with approved security. All persons having any demands against said estate, are requested to bring forward their accounts properly attested, that provision may be made for payment. Likewise all persons indebted to said estate, are requested to make immediate payment to

WILLIAM PRICE,

JOHN PRICE,

ALFRED WILLIAMS, Adm'r.

JOHN BRIAN, Adm'r.

Fayette county, November 22.



**Notice.**  
The following tracts of Land, lying in the county of Harrison, will be sold at the Court house, in said county, or to such thereof as will be found to pay the tax due thereon to government. The sale to commence on the fourth Monday in December next, and will be continued by adjournment, from day to day, until the whole is sold, viz.

**Second Rate.**

William Campbell, 1004 acres, Mill creek.  
Thomas Devenport, 1014 1-2, Raven creek.  
Edmund Hawkins, 100, Bank fork.  
Benjamin Stephens, 1000, Mill creek.  
Gen. Dan Morgan, 1256, Hinkins's fork, of Licking.  
John Kenny, 1000, Mill creek.  
Thomas Chiles, 1000, ditto.  
John Coleman, 1000, ditto.  
Smith Payne, 1166 1-3, South Licking.

**Third Rate.**

Jacob Graybill, 3000, Licking creek.  
John Watson, 1968, main fork Licking.  
**WILLIAM HINKSON, Sheriff.**

**Notice.**

WE shall attend with the commissioners appointed by the court of Franklin county, on Saturday, the seventeenth day of December next, at Philip Young's improvement, on the South fork of Kenyon, near the junction of the South and Knob forks of the same; in order to take the depositions of sundry witnesses, and perpetuate their testimony respecting the said improvement and other calls of the entry of an in preemption warrant, the title to which is vested in us and do such other acts as may be agreeable to law.  
JOSEPH RODGERS.  
Nov. 21, 1796. WILL MUGLING.

**NOTICE.**

TO all whom these presents may concern, I shall attend at the sale of Mr. Abraham Koffe in Shelby county, on the waters of Clear creek, a branch of Brainerd's creek, on Tuesday the thirtieth day of December 1796, with examiners appointed by the court of said county, for the purpose of taking the depositions of witnesses, as aforesaid, in order to establish a claim of land for John Winters and James Duncan, on said Clear creek, calling for a cabin built by Ewan Hinton, and proceed from said Koffe's to the cabin called for in said entry.

GEORGE MARSHALL,  
Atty. in fact for said Winters.

**SCHEME OF A LOTTERY**

For raising the sum of Ten Thousand Dollars, for the purpose of erecting a DUCK and LINEN MANUFACTORY in Georgetown.  
In three Classes—4000 Dollars for the first, and 3000 the two last.  
**CLASS THE FIRST.**  
1 Price of 2000 Dols. is 0000 Dols.  
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4 200 350  
5 100 1200  
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